

REMARKS

Claims 72-79 are pending in the application. By this paper, claims 72-79 have been amended. Reconsideration and allowance of claims 72-79 are respectfully requested.

Substance of Interview

On August 18, 2009, the undersigned attorney and Examiner Ella Colbert met in person at the US Patent and Trademark Office to discuss the present application. The current non-prior art rejections were discussed along with possible amendments to overcome those rejections. Agreement was reached on the nature of the amendments to be made to the claims.

The Applicants thank the examiner for her time and assistance in advancing this application to allowance.

Claim Objections

Claims 72 -79 stand objected to for informal matters. In claim 72, the Office Action has required the deletion of the first "and" and replacement of the semi-colon with a comma before the "wherein" clause. In claims 73 – 79, the office action has required addition of a comma after the claim number in the respective preambles. Accordingly, claims 72 -79 have been amended. Withdrawal of the objection to the claims is respectfully requested.

Claim rejections under 35 U.S.C. § 112

Section 112, second paragraph.

Claims 72, 73, 75, 78 and 79 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. According to the Office Action, claim 72 recites "server means" and it is unclear whether 35 U.S.C. § 112, paragraph 6 is intended to be invoked. To further

clarify the claim scope, claim 72 has been amended to recite "an account management server," deleting the word "means."

Further, the Office Action states that the recitations of "the desired rank" or "so that desired ranks" or "desired ranks" in claims 72, 73 and 75 are varied and indefinite. To further clarify the claims, each has been amended to make the recitation more consistent.

Further with respect to claim 72, the Office Action asserts that the term "than necessary" is varied and indefinite. This term has been deleted from the claim.

Further with respect to claims 78 and 79, the Office Action asserts that these claims contain conditional statements that are asserted to be indefinite. Each of the claims has been rewritten in part to correct the asserted deficiency.

Accordingly, it is submitted that claims 72-79, as amended, are sufficiently definite as required by 35 U.S.C. § 112, second paragraph. Withdrawal of the rejection under this section is respectfully requested.

Section 112, first paragraph.

Claims 72-79 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action alleges that the claims contain subject matter not described in the Specification in such a way as to enable one skilled in the art to make or use the invention. Specifically, the Office Action asserts that "Claims 72-79 have insufficient support for the claim limitations such as a search engine providing search results including search listings according to rank; at least some of the search listings being...., ...; and the other limitations of claims 73-79." The Examiner has asked the applicants to point out where support is found in the Specification and drawings for claims 72-79.

The Specification includes disclosure supporting the claim features in detail sufficient to enable a person of ordinary skill in the art to make and use the invention. Examples are given below, including reference signs in parentheses from the text and drawings. This is intended to be exemplary only.

Claim 72: a search engine (24) is generally disclosed beginning at page 21, line 3 of the application. Providing search listings according to rank is disclosed, for example, at page 28, line 8 and is particularly exemplified in drawing FIG. 7. A database (40) including search listings associated with advertisers is illustrated in FIG. 1, and described at application page 21, line 21 to page 22, line 15. A search term specified by the advertiser is shown for example at page 27, line 7; a desired rank specified by the advertiser is shown at, for example, page 39, line 10. An account management server (22) is shown in FIG. 1. The account management server adjusting CPC in response to advertiser inputs is illustrated at, for example, application page 46, line 3, and application page 44, line 24. Specified functions of the account management server are described in summary form at page 8, line 18 – page 17, line 2 and illustrated in more detail in FIGS. 10-31 and the accompanying text.

Claim 73: a timestamp is described for example at application page 45, line 19.

Claim 74: a search engine web server locating search listings having a matching relationship with a search request is described in the application at page 35, line 11. Ordering search results using CPC ("bid amount") is described at page 36, line 20.

Claim 75: an account manager varying maximum cost per click or desired rank is shown at for example claim 8 of the application as filed, page 10, line 29, and page 44, line 31.

Claim 76: an account manager to vary maximum CPC for two or more possible ranks is described for example in claim 8 of the application as filed, page 15, line 9 and page 67 line 25.

Claim 77: software agents are disclosed for example at page 45, line 27 – page 46, line 19.

Claim 78: a software agent to increase CPC if rank can be improved with exceeding maximum CPC is shown for example at claim 10 of the application as filed and in the text describing FIG. 13.

Claim 79: a software agent to decrease current CPC only if no other search listing will have its respective current CPC increased to decrease the rank of the specified search listing is shown in claim 11 as filed and the text describing FIG. 16.

Accordingly, it is respectfully submitted that the subject matter of each of claims 72-79 is fully described in the specification in the manner required by 35 U.S.C. § 112, paragraph 1. Withdrawal of the rejection under this section is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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